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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY GRAVES

1:09-CV-00046-WMW

Petitioner,

vs.

ANTHONY HEDGPETH

Respondent.

ORDER OF TRANSFER

_____/

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The petitioner is challenging a conviction from Sacramento County, which is part of the Sacramento Division of the United States District Court for the Eastern District of California. Therefore, the petition should have been filed in the Sacramento Division.

Pursuant to Local Rule 3-120(b), a civil action which has not been commenced in the

1 proper court may, on the court's own motion, be transferred to the proper court. Therefore, this
2 action will be transferred to the Sacramento Division. This court will not rule on petitioner's
3 request to proceed in forma pauperis.

4 Good cause appearing, IT IS HEREBY ORDERED that:

5 1. This court has not ruled on petitioner's request to proceed in forma pauperis.

6 2. This action is transferred to the United States District Court for the Eastern District of
7 California sitting in Sacramento; and

8 3. All future filings shall reference the new Sacramento case number assigned and shall
9 be filed at:

10 United States District Court
11 Eastern District of California
12 501 "I" Street, Suite 4-200
13 Sacramento, CA 95814

14 IT IS SO ORDERED.

15 **Dated: January 12, 2009**

16 **/s/ William M. Wunderlich**
17 **UNITED STATES MAGISTRATE JUDGE**